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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,279	06/07/2001	Ritva Laijoki-Puska	1390-0124P	4240

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

VARNER, STEVE M

ART UNIT PAPER NUMBER

3635

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,279

Applicant(s)

LAIJOKI-PUSKA, RITVA

Examiner

Steve M Varner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 9, are rejected under 35 U.S.C. 102(b) as being anticipated by Stein et al.

Regarding claim 1, 9, Stein et al. teaches mechanical and electrical equipment for buildings. (Title) The word “building” implies a spatial structure having wall and roof structures, which define one interior space, separated from the ambient air in a unitary interior space. Climate in each separate space or zone can be separately regulated by local systems. (Page 321, 322)

Regarding claim 2, Stein et al. shows separate spaces with different functional groups. (Page 433)

Regarding claim 5, there is a separate space (physical education) outside of the unitary space (rest of the building). (Page 203)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al. as applied in the rejection of claim 1 above in view of Yates et al.

Regarding claim 3, Stein et al. shows the basic claimed structure. Stein et al. does not show Nordic areas. Yates et al. shows Nordic areas (Abstract). It would have been an obvious design choice to cool buildings to Nordic temperatures with the refrigerator/freezer of Yates et al. in order to enjoy Nordic sports such as ice-skating.

Claims 4, 6, 7, 10, 11, 13-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al.

Regarding claim 4, 10, 15, Stein et al. shows refrigeration and heating. (Page 321) It does not show the heat from the refrigeration process being used to heat other spaces. It would have been an obvious design choice to use the excess heat in this manner since this would be a good conservation of energy practice.

Regarding claim 6, Stein et al. shows the basic claimed structure. Stein et al. does not show natural plants and animals in apartments. It would have been an obvious design choice to have plants and animals in an apartment since it is designed for human occupancy.

Regarding claim 7, 11, Stein et al. shows the basic claimed structure. Stein et al. does not show seasonal variation of temperatures in its separate spaces. It would have been an obvious design choice to regulate the temperature in the separate spaces of apartments to mimic seasons to the preference of the occupant.

Regarding claim 13, 14, Stein et al. shows the basic claimed structure. Stein et al. does not show functional groups of activities have in common a special

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climatological temperature in the respective separate space and can be observed from outside the separate space through a transparent wall. It is well known in the art that apartments have functional groups of activities sharing a common temperature, which can be observed outside the separate space through a transparent wall or window. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to have shared temperature in functional groups with observation windows in the structure of Stein et al. This would provide for a desirable environment for the inhabitants in the functional groups of activities while enabling the inhabitants to look out of or into their environment.

Claim Objections

Claims 8, 12, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8, 12, are allowable for a pool having an ice cover and arranged for winter swimming and/or winter jig fishing, the pool having water animals.

Response to Arguments

Applicant's arguments filed 11/18/02 have been fully considered but they are not persuasive. Climatologically different conditions are not defined as to the amount of difference in rainfall and temperature. The special structure of a walk in freezer would allow the space to not freeze plumbing.

Applicant's arguments with respect to claim 3 have been considered but are moot in view of the new ground(s) of rejection.

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Kline et al. presents a process and apparatus for individual adjustment of the temperature set points of a plurality of VAV devices through a network server.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-08390839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV
January 15, 2003



Carl D. Friedman
Supervisory Patent Examiner
Group 3600